

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Civil Revision No. 3417 of 2005(O&M)

Date of Decision: October 07 , 2009

Baljinder Kaur etc.

.....Petitioners

Versus

Nasib Singh alias Pala Singh etc.

.....Respondents

Coram: Hon'ble Mrs.Justice Sabina

Present: Mr.Bhag Singh, Advocate for the petitioners.
Mr.Deepak Sharma, Advocate for respondent.

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Sabina, J. (oral)

This revision petition is filed under Article 227 of the Constitution of India for quashing the order dated 31.3.2005 passed by the Civil Judge (Junior Division) Ambala whereby the application filed by respondents No. 2 to 5, for impleading them as heirs of Nasib Singh Lasania in a suit filed by the petitioners after the death of Nasib Singh Lasania, although he was not a party in the suit, was allowed.

Plaintiffs-petitioners filed a suit for perpetual injunction restraining defendant-Nasib Singh alias Pala Singh son of Ajmer Singh from interfering with their possession. During the pendency of the suit, respondents No. 2 to 5 moved an application under Order 22 Rule 4 of the

Code of Civil Procedure for being impleaded as defendants being legal heirs of Nasib Singh alias Lasania on the basis of Will in their favour dated 22.12.1988. Vide the impugned order dated 31.3.2005, the said application was allowed. Hence, the present revision petition by the plaintiffs.

Learned counsel for the petitioners has submitted that the petitioners being plaintiffs were master of their case. They had not claimed any relief against Nasib Singh alias Lasania son of Ajmer Singh and, hence, the question of impleading his legal heirs as defendants did not arise. In case, the suit was decreed against the defendant Nasib Singh alias Pala Singh, it would have no bearing on the legal heirs of Nasib Singh alias Lasania.

Learned counsel for respondents No. 2 to 5 has submitted that respondents were in possession of the suit land being legal heirs of Nasib Singh alias Lasania and hence, they were necessary parties.

After hearing the learned counsel for the parties, I am of the opinion that the instant revision petition is devoid of any merit and deserves to be dismissed.

Admittedly, Nasib Singh alias Lasania was the owner in possession of the property in dispute. The said Nasib Singh had no son. Respondents No. 2 to 5 had moved an application claiming their rights on the basis of the registered Will. Petitioners-plaintiffs have also claimed themselves to be owner of the suit property alleging themselves to be the legal heirs of deceased Nasib Singh alias Lasania. In these circumstances, it was just and expedient to implead respondents No. 2 to 5 as party in the suit to enable them to prove their case.

The impugned order does not suffer from any material

illegality or irregularity which may warrant interference in exercise of revisional jurisdiction under Article 227 of the Constitution of India.

Dismissed

(Sabina)
Judge

October 07, 2009

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